



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,473	02/18/2004	Lec Begeja	2002-0464	4873
26652	7590	05/25/2006	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			APPIAH, CHARLES NANA	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,473

Applicant(s)

BEGEJA ET AL.

Examiner

Charles N. Appiah

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6, 8-15, 17-26, 28-29, 32-37, 39, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ayoub et al. (6,477,363) in view of Grimes (5,479,482)**.

Regarding claims 1 and 10, Ayoub discloses a mobile communications device (1) and a wireless network node comprising: means (GPS 12) for determining mobile communications device location (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15), means for linking metadata representing mobile communications device location to audio stream data sent from that mobile communications device for a wireless communications call (position being translated into audio tones and transmitted through voice channel of the telephone when the communication between the mobile phone and the authority is established, see col. 4, lines 20-35). Ayoub fails to explicitly teach linking metadata representing the determined mobile communications device location and call related data to audio stream data.

In an analogous field of endeavor, Grimes discloses a cellular terminal for transmitting public emergency call location information (see abstract). According to Grimes and as illustrated in Figs. 3, 6-15, the cellular terminal includes a GPS device which is used to determine the location of the terminal and in an emergency situation stored personal information is transmitted with geo-coordinates in voice form to a PSAP in order to seek assistance (see col. 7, lines 4-61).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Grimes with Ayoub in order to provide the supplying of pertinent information and location that would assist in providing emergency services as taught by Grimes.

Regarding claims 2 and 11, Ayoub further discloses wherein the means for determining comprises a processing technique selected from the group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15, lines 48-57).

Regarding claims 3 and 12, Ayoub further discloses wherein the means for linking includes the metadata as in-band information along with the audio stream data (stream of tones being (tones being sent via the voice channel, see col. 4, lines 30-31).

Regarding claims 4 and 13, Ayoub further discloses wherein the means for linking includes the metadata as out-of-band information along with the audio stream

data (\*tones being sent through the control channel during the setup of the call connection, see col. 4, lines 33-35).

Regarding claims 5 and 14, Ayoub further discloses wherein the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link the metadata (controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47).

Regarding claims 6 and 15, Ayoub further discloses wherein the determined location is an identification of a cell currently serving the mobile communications device and the means for linking operates to link in response to detected changes in the currently serving cell (using cellular triangulation or method using position data obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57).

Regarding claim 8, Ayoub further discloses wherein the metadata includes a time stamp in addition to the determined location (position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15).

Regarding claims 9 and 18, Ayoub's teaching of a DID number which corresponds to a location (see col. 3, lines 14-18), reads on wherein the call related data selected from the group consisting of a call record, called/calling party, and billing

identification, and Grimes teaches transmitting personal characteristics or personal medical information (see col. 7, lines 31-61).

Regarding claims 17, 28 and 40, Ayoub further discloses wherein the metadata includes a time stamp in addition to the determined location (position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15).

Regarding claims 19 and 32, Ayoub discloses a communications network and a method (see Fig. 1), comprising: a mobile communications device (1), a communications terminal (3), wherein the communications device and communications terminal are connected to a call, which includes audio stream data (communication between the mobile phone and the emergency authority being established, see col. 4, lines 15-35), means for determining location of the mobile communications device (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15), means for linking metadata representing mobile communications device location to audio stream data sent from that mobile communications device for a wireless communications call (position being translated into audio tones and transmitted through voice channel of the telephone when the communication between the mobile phone and the authority is established, see col. 4, lines 20-35), and means at the communications terminal for extracting the metadata from the audio stream and presenting the location of the mobile communications device (receiving equipment in the authority having a modem and tone detector which extracts the DTMF tones and translates them back into digits representing the position of the

cellular telephone, see col. 4, lines 36-42). Ayoub fails to explicitly teach linking metadata representing the determined mobile communications device location and call related data to audio stream data.

In an analogous field of endeavor, Grimes discloses a cellular terminal for transmitting public emergency call location information (see abstract). According to Grimes and as illustrated in Figs. 3, 6-15, the cellular terminal includes a GPS device which is used to determine the location of the terminal and in an emergency situation stored personal information is transmitted with geo-coordinates in voice form to a PSAP in order to seek assistance (see col. 7, lines 4-61).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Grimes with Ayoub in order to provide the supplying of pertinent information and location that would assist in providing emergency services as taught by Grimes.

Regarding claim 20, Ayoub further discloses wherein the means for determining (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15), and means for linking are located within the mobile communication device (position being translated into audio tones and transmitted through voice channel of the telephone when the communication between the mobile phone and the authority is established, see col. 4, lines 20-35).

Regarding claim 21, Ayoub further discloses wherein the means for determining and means for linking are located within a network node of the communications network (see col. 4, lines 7-35).

Regarding claims 22 and 33 Ayoub further discloses wherein the means for determining performs a processing technique selected from the group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15, lines 48-57).

Regarding claims 23 and 34, Ayoub further discloses wherein the means for linking includes the metadata as in-band information along with the audio stream data (stream of tones being (tones being sent via the voice channel, see col. 4, lines 30-31).

Regarding claims 24 and 35, Ayoub further discloses wherein the means for linking includes the metadata as out-of-band information along with the audio stream data (\*tones being sent through the control channel during the setup of the call connection, see col. 4, lines 33-35).

Regarding claims 25 and 36, Ayoub further discloses wherein the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link the metadata (controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47).

Regarding claims 26 and 37, Ayoub further discloses wherein the determined location is an identification of a cell currently serving the mobile communications device and the means for linking operates to link in response to detected changes in the currently serving cell (using cellular triangulation or method using position data

obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57).

Regarding claims 29 and 41, Ayoub's teaching of a DID number which corresponds to a location (see col. 3, lines 14-18), reads on wherein the call related data is selected from the group consisting of a call record, called/calling party, and billing identification, and Grimes teaches transmitting personal characteristics or personal medical information (see col. 7, lines 31-61).

Regarding claim 39, Ayoub further discloses including extracting the metadata from the audio stream data, (receiving equipment in the authority having a modem and tone detector which extracts the DTMF tones and translates them back into digits representing the position of the cellular telephone, see col. 4, lines 36-42), and presenting the location of the mobile communications device (location of caller as generated from mapping information being displayed on a computer screen together with the mapping information, see col. 4, lines 58-67).

4. Claims 7, 16, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ayoub et al** and **Grimes** as applied to claims 1, 10, 20 and 32 above, and further in view of **Williams (6,725,049)**.

Regarding claims 7, 16, 27 and 38 Ayoub as modified by Grimes fail to specifically disclose means for encrypting the determined mobile communications device location.

In an analogous field of endeavor, Williams discloses a method and system for disseminating global positioning information through a telecommunications network by injecting the global positioning information into telecommunications between calling and called parties and wherein the positioning information may form the basis for encryption of messages or conversations between parties (see col. 3, lines 34-42, col. 4, lines 7-54).

It would therefore have been obvious to one of ordinary skill in the art to incorporate Williams encryption feature into Ayoub as modified by Grimes' system in order to add a level of security to the provision of location information especially in emergency situations.

5. Claims 30, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ayoub et al and Grimes** as applied to claims 19 and 32 above, and further in view of **Lemelson et al. (6,054,928)**.

Regarding claims 30, 31 and 42 Ayoub as modified by Grimes fail to disclose wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata.

In an analogous field of endeavor, Lemelson discloses a system and method for tracking and monitoring a prisoner or parolee that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance (see col. 4, lines 51-64, col. 9, lines 36-64). According to Lemelson and as

illustrated in Fig. 5, a voice recorder 132 is provided as part of the control center for recording individual voice messages as well as provide voice response messages to security personnel (see col. 14, lines 17-24).

It would therefore have been obvious to one of ordinary skill in the art to combine Lemelson's monitoring and tracking system with Ayoub and Grimes' system in order to ensure the capability of providing voice response messages as well as recording data such as audio while providing accurate location information in emergency situations as taught by Lemelson.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al. (6,946,977) discloses a personal rescue system in which position data and identification code information are sent to a remote control center for help.

Wan et al. (US 2003/0203730) discloses a location-based monitoring system.

Granier (6,711,399) discloses a method for emergency calling to seek assistance.

Griffin et al. (US 2004/0121756) discloses an emergency tracking system for notification provision.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CA

A handwritten signature in black ink, appearing to read 'Charles Appiah', with a stylized flourish at the end.

CHARLES APPIAH  
PRIMARY EXAMINER